

## ORDINANCE 13-28

### ORDINANCE APPROVING STIPULATION AND SETTLEMENT AGREEMENT REGARDING THE SALE OF THE WESTFIELD WATER AND SEWER UTILITIES

**WHEREAS**, The City of Westfield, (“City”) is a duly formed municipal corporation within the State of Indiana, governed by its duly elected Mayor and Common Council (“Council”); and,

**WHEREAS**, it is the duty and the responsibility of the Council to manage and maintain the water and sewer utilities owned by the City, and

**WHEREAS**, Ordinance 12-32 authorized a sale of the water and sewer assets with certain expectations and conditions, and;

**WHEREAS**, the adversarial proceeding conducted by the Indiana Regulatory Commission has resulted in a proposed Stipulation and Settlement Agreement (“Agreement”) that may impact certain expectations and conditions as contained in Ordinance 12-32 but does not amend the purchase price and remains in the best interests of the City.

**NOW, THEREFORE, BE IT ORDAINED** by the Westfield City Common Council meeting in session as follows:

**Section 1.** That the Council now has reviewed and been advised of the proposed Agreement as well as the impact it may have on the sale of the water and sewer utility as anticipated by the Council.

**Section 2.** That Council finds that the Agreement does not negatively impact the fiscal benefits of the sale and further finds that the Agreement is in the best interests of the City and hereby authorizes the City’s execution of the Agreement and the amendment of the Asset Purchase Agreement and any other document necessary to accomplish the sale pursuant to the Agreement, including the elimination of lawn irrigation permit fees.

**Section 3.** This Ordinance shall be in full force and effect in accordance with Indiana law, upon the passage of any applicable waiting periods, all as provided by the laws of the State of Indiana. All ordinances or parts thereof that are in conflict herewith are hereby ordered repealed. All acts undertaken to develop this Ordinance are hereby ratified.

ALL OF WHICH IS ORDAINED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_ 2013.

WESTFIELD CITY COUNCIL

Voting For

Voting Against

Abstain

\_\_\_\_\_  
Jim Ake

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Jim Ake

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Jim Ake

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Councilor

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Councilor

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Councilor

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Steven Hoover

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Steven Hoover

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Steven Hoover

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Robert L. Horkay

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Robert L. Horkay

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Robert L. Horkay

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Robert J. Smith

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Robert J. Smith

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Robert J. Smith

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Cindy Spoljaric

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Cindy Spoljaric

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Cindy Spoljaric

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Robert W. Stokes

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Robert W. Stokes

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Robert W. Stokes

ATTEST:

\_\_\_\_\_  
Cindy Gossard, Clerk Treasurer

I hereby certify that ORDINANCE 13-28 was delivered to the Mayor of Westfield

on the \_\_\_\_\_ day of \_\_\_\_\_, 2013, at \_\_\_\_\_ m.

\_\_\_\_\_  
Cindy Gossard, Clerk-Treasurer

I hereby APPROVE ORDINANCE 13-28

this \_\_\_\_\_ day of \_\_\_\_\_, 2013.

I hereby VETO ORDINANCE 13-28

this \_\_\_\_\_ day of \_\_\_\_\_, 2013.

\_\_\_\_\_  
J. Andrew Cook, Mayor

\_\_\_\_\_  
J. Andrew Cook, Mayor

This document prepared by  
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